

SOLID WASTE FACILITY PERMIT - Pg. 1 of 5

1. Facility/Permit Number:

SWIS No. 43-AN-0007

2. Name and Street Address of Facility:

Zanker Road Class III Landfill*
705 Los Esteros Road
San Jose, CA 95134

3. Name and Mailing Address of Operator:

Zanker Road Resource Management Ltd.
705 Los Esteros Road
San Jose, CA 95134

4. Name and Mailing Address of Owner:

Zanker Road Resource Management Ltd.
625 Charles Street
San Jose CA 95112

*NOTE: The Facility's original 1983 EIR document refers to the site as the Nine-Par Sanitary Landfill, Nine-Par is an older closed landfill which includes the site.

5. Specifications:

a. Permitted Operations:

☐ Composting Facility (mixed wastes)

☐ Processing Facility

☒ Composting Facility (yard waste)

☐ Transfer Station

☒ Landfill Disposal Site

☐ Transformation Facility

☒ Material Recovery Facility

☒ Other: Soils Bioremediation Site and Waste Tire Storage

b. Permitted Hours of Operation :

Commercial and Industrial Disposal Operations 6:00 AM to 6:00 PM, Monday-Friday; and 8:00 AM- 4:00 PM Saturday-Sunday

Public Disposal Operations 6:00 AM to 6:00 PM, Monday-Friday; and 8:00 AM- 4:00 PM Saturday-Sunday

Resource Recovery Operations 6:00 AM to Midnight (if needed), seven days a week

Equipment Maintenance..... 12:00 Midnight to 6:00 AM (if needed), seven days a week

c. Permitted Peak Tons per Operating Day (In the gate) ...(* Maximum Peak Daily Tonnage (See Conditions #C4)... Total: *1300 Tons/Day

Permitted Peak Tons Landfilled (buried) per Operating Day..... Total: 300 Tons/Day

Non-Hazardous - Inerts

1300 Tons/Day

Non-Hazardous - Sludge

N/A Tons/Day

Non-Hazardous - Separated or commingled recyclables

Included in 'c' above

Non-Hazardous - Other (See Section 14, of this Permit, 'PROHIBITIONS')

N/A Tons/Day

Designated (See Section 14, of this Permit, 'PROHIBITIONS')

N/A Tons/Day

Hazardous (See Section 14, of this Permit, 'PROHIBITIONS')

N/A Tons/Day

Permitted Peak Tons to Composting per day Total: 200 Tons/Day

d. Permitted Traffic Volume:

Total: Equivalent of 1300* Tons per Day Vehicles/Day

Incoming waste materials

N/A Vehicles/Day

Outgoing waste materials (for disposal)

N/A Vehicles/Day

Outgoing materials from material recovery operations

N/A Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting**	Transformation
Maximum Throughput	1300 Tons Per Day	300 Tons Per Day	N/A	Limited by Total	200 Tons per day	N/A
Permitted Area (in acres)	70 Acres	46 Acres	N/A	46 Acres	6 Acres	N/A
Design Capacity remaining		1.021 Million Cubic Yards cy	N/A	N/A	N/A	N/A
Max. Elevation (Ft. M.S.L.)		80 ft				
Max. Depth (Ft. below M.S.L.)		0 ft				
Estimated Closure Date		2003 Estimate Only				

(** Composting Operations are currently concentrated in the 6-acre expansion area, in the former soils bioremediation stockpile site, and on the top deck level). The permit is granted to the operator named above. Upon a change of owner or operator, the LEA shall be notified 45 days in advance so that the LEA may make a determination for an amendment, modification or revision to the permit. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

6. Approval:

Approving Officer Signature

James R. Derryberry, Director, Planning, Building and Code Enforcement
Name/Title

7. Enforcement Agency Name and Address:

City of San Jose
Department of Planning, Building and Code Enforcement
777 N. First St. Suite 700
San Jose, CA 95112

8. Received by CIWMB: OCT 20 1997

9. CIWMB Concurrence Date: NOV 19 1997

10. Permit Review Due Date: December 03, 2002

11. Permit Issued Date: DEC. 03, 1997

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12. Legal Description of Facility (refer to attached Site Vicinity and Site Location Maps, as shown in the RDSI Figures 1,2,3): Located at the Eastern terminus of Los Esteros Road where it becomes Zanker Rd., in Section 2 of Township 6 S, Range 1 W, Mount Diablo Baseline and Meridian (APN 015-38-004). The site latitude and Longitude are approximately 37 degrees 21 minutes 23 seconds North and 121 degrees 56 minutes 52 seconds West, City of San Jose, Santa Clara County.

13. Findings:

- a. The County-wide Integrated Waste Management Plan (dated November, 1995) was approved by the CIWMB on July, 1996 (see Attachment 'B').
- b. [PRC §50001, Conformance Finding] This facility is identified in, and is consistent with the County-wide Integrated Solid Waste Management Plan (CoIWMP) dated November, 1995, adopted by the CIWMB on July, 1996. (See attachment B;)
- c. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.
- d. The design and operations of the facility are in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA. (The City of San Jose Local Enforcement Agency) during the inspections of - April 29, 1997. A Violation was noted for PRC 44004 (Significant Change), and 44014 (b) (Terms & Conditions) due to the fact that the permit is overdue for a revision. Adoption of this SWFP will correct these violations.
- e. The following local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151. (See Attachment C: "Fire District Compliance") San Jose Fire Dept. Approval date February 3, 1997.
- f. Environmental determinations (i.e. Notice of Determination) were filed with the State Clearinghouse (SCH # 91023024) to identify current and proposed changes, pursuant to Public Resources Code, Section 21081.6. The environmental documents were filed by the City of San Jose Planning Department and adopted on March 25, 1991 and on June 28, 1991. (See attachment D; Environmental Determination")

14. Prohibitions:

NOTE: Acceptance of prohibited wastes will require this facility to comply with requirements set forth in California Code of Regulations, Title 14, Article 4.5. Implementation of Federal Municipal Solid Waste Landfill Minimum Standards.

The permittee is prohibited from accepting any putrescible garbage, household wastes (-HOUSEHOLD WASTES- CCR Title 27, §20164, or putrescible municipal solid waste). This prohibition includes garbage, food and restaurant waste, putrescible agricultural wastes, dead animals, or any organic waste capable of putrefaction. This section is not intended to prohibit the acceptance of non-putrescible construction and demolition materials from household sources, as described in CCR Title 27, §20164.

The permittee is also prohibited from accepting any liquid waste sludge, designated wastes, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable agencies. Wastes requiring special handling, other than those defined in the RDSI, shall require LEA approval for authorization of special handling methods. All non-solid wastes containing less than 50 percent solids must be handled and disposed of as described in a waste management plan approved by the Regional Water Quality Control Board (RWQCB) and the Local Enforcement Agency (LEA). Grinding of hazardous materials, including asbestos containing materials, is prohibited.

EXCEPTIONS :

A. Triple Rinsed containers in accordance with Title 22, CCR, Section 66261.7

B. Operator may landfill friable asbestos only in accordance with CCR Title 14 Section 17897. Prior to disposal, Operator must document full compliance with this section in the Operating Record.

C. Contaminated Soils and other Industrial Wastes are permitted with prior approval by the LEA and the RWQCB and in compliance with all other regulatory requirements.

The permittee is additionally conditioned by the following items:

A. Untreated medical waste, as defined in Chapter 6.1, Division 20 of the Health and Safety Code, is prohibited.

15. The following documents also describe and/or restrict the operation of this facility (insert document date in space):

	DATE
[x] Report of Disposal Site Information <u>12-11-96, revised 10-13-97</u>	
[x] Land Use Permits and Conditional Use Permits: PD 90-11-90 PD 91-02-008	3-25-91 and <u>6-28-91</u>
[x] Air Pollution Permits and Variances: Permit #3312 to operate Plant 3312	<u>6-1-96</u>
[x] EIR SCH # 82122805	<u>9-14-83</u>
[x] Preliminary Closure/Post Closure Plan	<u>November 1995</u>
[x] Closure Financial Responsibility Documents- RDSI Appendix Y	<u>12-11-96</u>
[x] Updated Waste Discharge Requirements Order No. 87-032 and 93-113	<u>4-15-87 and 9-15-93</u>

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16. Self Monitoring:

a. Results of the following self-monitoring programs will be reported as follows:

(The monitoring documentation, where applicable, will be delinquent 30 days after the end of the reporting period)

Program	Reporting Frequency	Agency Reported To
b. Operator shall notify the LEA upon receipt of a Notice of Violation from any regulatory agency. In addition, the operator shall notify the LEA within 72 hours, or on the next business day, following written receipt of a Notice of Violation or upon receipt of written notification of complaints regarding the facility which have been received by other agencies.	As noted	LEA
c. Operator shall record all environmental and regulatory complaints regarding this facility and the operator's actions taken to resolve these complaints shall be entered in the log of special occurrences. Operator shall notify the LEA within one day if they receive any complaints of a serious or egregious nature.	As noted	LEA
d. Reports of all special or unusual occurrences and the operator's actions taken to correct these problems shall be entered into the 'Log of Special Occurrences'.	As noted	LEA
e. The operator shall maintain a log to record the quantities and types of hazardous wastes, untreated medical wastes, or otherwise prohibited wastes found in the waste stream, the date they were discovered and the disposition of those materials. This log shall be part of the 'operating record', and shall be made available to LEA staff. The log record shall indicate those incidents which occurred as a result of the random load checking program.	Recorded 'Operating Record'	LEA
f. The operator shall make -brief- entries into their 'Log of Special Occurrences' calender, recording incidents of unlawful disposal of prohibited materials and the operator's actions taken. The record entry shall be made on the date of occurrence. Detailed incident reports, as appropriate, should be entered as part of the log entered in 'e' above.	Recorded on date of occurrence	LEA
g. The operator shall maintain and make accessible on-site records within their 'operating record' for the LEA to document the following: -daily gross tonnage through the gate; -daily gross tonnage buried; -daily gross tonnage to the Compost operation; Daily gross tonnages along with the monthly totals will be made available to the LEA. The operator shall maintain these records on the facility's premises for a minimum of one year and make them available to any Enforcement Agency's personnel on request.	As noted	LEA
	As Noted	LEA
h. The operator shall report the following information to the LEA in writing, within 30 days of the end of the month being reported: -monthly gross tonnage through the gate; -monthly gross landfilled tonnage; -monthly gross tonnage to the Compost operation;	Monthly as Noted	LEA
i. The operator shall report future results of the leachate monitoring program. The operator shall monitor leachate generation as required by future and current WDRs. In the future, the operator will collect, treat and effectively dispose of the leachate in a manner approved by the CRWQCB, with the results, reports and other documentation being copied to the LEA.	As required by WDRs	LEA
j. The Operator shall provide one annual topographical map showing all current fill locations. Maps shall be on white bond with a scale no smaller than one inch = 200 feet or as otherwise approved by the LEA.	<u>Annually</u> As approved by the LEA	LEA
k. The Operator shall provide Black and White Stereo Pair copies of Aerial Photos to the LEA.	<u>Annually</u> As approved by the LEA	LEA

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17. LEA Conditions:

A. Requirements :

1. This facility shall comply with all the State Standards for Solid Waste Handling and Disposal.
2. This facility shall comply with all federal, state, and local requirements and enactments including all mitigation measures given in any certified environmental document filed pursuant to the Public Resources Code, Section 21031.6.
3. The operator shall comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the Mitigation Measures contained in any of the documents referenced within this permit pursuant to the Public Resources Code section 21081.6.
4. Additional information concerning the Design and Operation of this facility shall be furnished on request to the Enforcement Agency personnel.
5. **The operator shall maintain a copy of this permit at the facility so as to be available at all times to facility personnel and to Enforcement Agency Personnel.**
6. The operator shall install and maintain signs at the entrance indicating that no hazardous waste or liquid wastes are accepted.
7. The operator shall comply with the Waste Load Checking Program as described in Appendix E of the Report of Disposal Site Information document dated 12-11-96 (as amended on October 15, 1997).
8. The operator shall comply with all conditions and requirements contained in the WDRs.

B. Provisions :

1. Operational controls shall be established to preclude the receipt and disposal of hazardous or other types of prohibited wastes. The Operator shall comply with the approved Waste Load Checking Program as described in the RDSI. Any changes in this program must be approved by the LEA in writing prior to implementation. The following SWFP provisions supplement the Load Checking conditions:
 - A. The minimum number of random waste loads to be inspected monthly at this landfill is five (5).
 - B. The number of random incoming loads to be inspected each month is determined by the LEA and shall be related to the permitted daily volume of Refuse received by the facility. The LEA reserves the right to increase the required number of incoming waste load inspections for sufficient cause.
 - C. Incidents of unlawful disposal of prohibited materials shall be reported to the LEA as described in the monitoring section of this permit. In Addition, all other agencies as required by regulation shall also be notified of any such incidents in accordance with established time frames.
2. This facility must comply with all monitoring requirements established in the Regional Water Quality Control Board* Waste Discharge Requirements.
3. This permit is subject to review by the LEA and may be suspended, revoked or modified at any time by the LEA for sufficient cause.
4. The LEA reserves the right to suspend or modify waste receiving operations when deemed necessary due to an emergency, a potential health hazard or the creation of a public nuisance.
5. The operator shall maintain a log of special occurrences as required by CCR Title 14 and 27 and shall make available to the LEA any BAAQMD or OSHA related reportable documentation. This log shall include, but is not necessarily limited to:

Surface and underground fires, explosions, earthquakes, slope failures, discharge of hazardous liquids or gases to the ground, water or air, or significant injuries requiring hospital care. Entries made in this log and deemed significant by the operator must be reported to the LEA within 72 hours. Each of these log entries shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence.
6. The operator shall maintain, at the facility, accurate daily records of the weight and/or volume of refuse received. These records shall be available To both LEA and CIWMB personnel and shall be maintained for a period of at least one year. Facility Gate Attendants shall be certified by the responsible Government Agency, as Certified Weighmasters, or shall maintain equivalent certification as approved in writing by the LEA.

C. Specifications:

1. The operator shall notify the LEA in writing, of any proposed significant changes in the facility design or operations during the planning stages. In no case shall the operator undertake any changes unless the operator first submits to the LEA a notice of said changes at least 120 days before said changes are undertaken. Any significant change as determined by the LEA would require a revision of this permit.
2. Upon a change in the owner or operator, the LEA shall be notified 45 days prior to the change so that the LEA may make a determination to either modify or revise the permit,
3. This permit supersedes all previous SWFP's for this site.
4. This facility is allowed a peak or maximum daily tonnage of 1300 TPD in gate tonnage. Most of this material (50-90%) will be recycled. Landfilled or buried tonnage is limited to 300 TPD. Composting is limited to 200 TPD.

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17. LEA Conditions (continued)

C. Specifications (continued)

5. Because this site is an inert disposal site only, the facility is prohibited from taking putrescible garbage or putrescible household wastes. As a result of this prohibition, in effect since the site's opening, Subtitle D cover requirements will not apply. Instead, the new permit will require the site to follow the Title 14 CCR cover requirements as specified in Section 17628. In this section, sites receiving less than 50 TPD for disposal may cover every 48 hours. The operator may be directed to cover more frequently, if required by the LEA, in the event of a public health issue or a public nuisance.
6. Any type of ADC approved for this site may be amended by the LEA and/or other Agency authorizations.
7. Upon successful completion of an approved ADC pilot project and upon administrative concurrence by the LEA, CIWMB, and the RWQCB the Operator may commence ongoing non-experimental ADC use.
8. This facility must comply with all applicable Federal, State and local enactments, laws and regulations, including the State Minimum Standards established by the C.I.W.M.B. in CCR Title 14, and CCR Title 27, administered locally by the Local Enforcement Agency. The Local Enforcement Agency is the City of San Jose, Department of Planning, Building and Code Enforcement.
9. Stockpiling of recyclable materials, such as construction/demolition wastes, concrete, wood, roofing materials, hogfuel and yardwaste will be carried out in the manner described in the most recent LEA approved RDSI. The volumes and spacing of these stockpiles will be arranged to be in conformance with City Fire Codes and the 1994 Uniform Fire Code (Section 3003, 902.2.2.2.1, and Sections 1103.3.5 to 1103.3.5.4) so that stockpiles will be limited to a vertical height of no more than 20 feet, with a maximum volume of 150,000 cubic feet, and with access-way spacings of 20 feet in between piles. The LEA may amend or further reduce these stockpile heights, if in their opinion it is necessary in order to protect public health and safety and the environment, or to prevent hazardous site conditions.
11. Any future Soils Bioremediation projects must first be approved of by the Bay Area Air Quality Management District (BAAQMD), the LEA, the RWQCB, and the CIWMB.
12. All Facility operations shall be conducted in accordance with the operations and design described in the RDSI, as approved by the LEA, and in compliance with all State Statutes, Regulations, City of San Jose Municipal Codes and Ordinances, and Land Use Permits.
13. The Facility Operator shall survey access roads a minimum of one time per month and shall patrol the perimeter of the property boundary of the Facility at least once each operational day and shall remove for legal disposal any litter, waste, or other illegally disposed materials (Note: Medical Wastes, Hazardous Wastes or Extremely Hazardous Wastes shall be removed in compliance with applicable laws and standards governing their handling and disposal).
14. The Facility Operator shall provide water misting equipment and watering trucks as necessary in order to control nuisance dust resulting from Facility operations, as determined necessary by the LEA and the Air District. The Facility Operator shall provide watering and cleaning equipment as frequently as necessary in order to maintain access roads and internal roads in a manner that will minimize dust, mud accumulation and airborne nuisances, as determined by the LEA and the Air District. Water cleaning of access roads shall be limited to the roadway (east and west) within 250 feet of the entrance road for the landfill.
15. Prior to acceptance of any friable asbestos for landfilling, the operator must document in the Operating Record that the site is in full compliance with the most recent asbestos regulations of Title 14 CCR section 17897. This will include documentation that the site has complied with section 17897 provisions for establishing a designated asbestos containing waste disposal area approved of by the LEA.